



Control Number: 51737



Item Number: 51

**PUC DOCKET NO. 51737
SOAH DOCKET NO. 473-21-2066**

**APPLICATION OF ONCOR §
ELECTRIC DELIVERY COMPANY LLC §
TO AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR THE KYLE RANCH-TO-QUARRY §
FIELD 138-KV TRANSMISSION §
LINE IN LOVING COUNTY §
(MODIFICATION OF ROUTE §
APPROVED IN DOCKET NO. 49302) §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 SEP -3 PM 3:10

ORDER

This Order addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) to construct, own, and operate the Kyle Ranch-to-Quarry Field transmission line in Loving County. The parties to this docket filed a unanimous agreement between themselves. The route approved by this Order (the agreed modified route) is a modified version of the route approved in Docket No. 49302.¹ Oncor filed this application because the agreed modified route contains landowner requested modifications that are more than minor deviations from the route approved by the Commission in Docket No. 49302.

The Commission's order in Docket No. 49302 directed Oncor to cooperate with directly affected landowners to implement minor deviations to the approved route to minimize the disruptive effect of the transmission line.² However, the Commission's order did not permit Oncor to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first filing a CCN amendment application with the Commission.³ Minor deviations must only directly affect landowners who were sent notice of the transmission line in accordance with 16 Texas Administrative Code (TAC) § 22.52(a)(3) and who agree to the minor deviation.⁴

¹ *Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Loving County (Kyle Ranch – Quarry Field)*, Docket No. 49302, Order (Mar. 2, 2020).

² *Id.*, Ordering Paragraph No. 13.

³ *See id.*, Ordering Paragraph No. 14.

⁴ *Id.*

When Oncor reached out to landowners whose properties were crossed by the transmission line approved in Docket No. 49302, Oncor learned certain affected landowners requested modifications to the approved route based on new and ongoing oil- and gas-related developments on these landowners' properties. Oncor determined that some of the requested modifications were more than a minor deviation from the route approved by the Commission in Docket No. 49302. Additionally, Oncor discovered that one landowner, Loving County Minerals, L.P. was not mailed notice of the application for Docket No. 49302 and route modifications on Loving County Mineral's properties potentially would not qualify as a minor deviation under the Commission's order in Docket No. 49302. Given the scope of the requested route modifications and the lack of direct mailed notice to Loving County Minerals Oncor filed this CCN application for the Kyle Ranch-to-Quarry Field transmission line to be constructed along the agreed modified route, the only route presented in the application filed. All landowners who would be directly affected by the transmission line have consented to this route.

The Commission approves the agreed modified route and amends Oncor's CCN number 30043 to the extent provided by this Order.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.
2. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. Oncor is required under CCN number 30043 to provide service to the public and retail electric utility service within its certificated service area.

Application

4. On February 4, 2021, Oncor filed an application to amend its CCN to build, own, and operate a new 138-kilovolt (kV) single-circuit transmission line in Loving County, Texas. The transmission line will connect the existing Kyle Ranch substation to the existing Quarry Field switching station.

5. The transmission line route proposed in the application is a modified version of the route for this line that was previously approved by the Commission in Docket No. 49302 but never constructed.
6. Oncor filed this application to propose modifications to the previously approved route, and all landowners who would be directly affected by the transmission line have consented to this route.
7. Oncor retained Halff Associates, Inc. to prepare an environmental assessment and routing analysis in connection with the application filed in Docket No. 49302. Oncor attached that environmental assessment and routing analysis to the application filed in this proceeding.
8. In Order No. 3 filed on March 8, 2021, the Commission administrative law judge (ALJ) found the application sufficient.

Description of the Transmission Facilities

9. The application proposes a single route for the transmission line, which is 11.3 miles long.
10. Oncor will construct the single-circuit transmission line on double-circuit-capable steel or concrete monopoles.
11. The Quarry Field switching station and Kyle Ranch substation were constructed in accordance with the Commission's orders issued in Docket Nos. 49302 and 49304.⁵ In addition, the three-mile portion of the transmission line approved in Docket 49302 that extended from the re-located Kyle Ranch substation site west to the terminus of the Riverton-to-Kyle Ranch transmission line approved in Docket No. 49304 was constructed. Neither the Kyle Ranch substation nor the Quarry Field switching station nor the three-mile portion of the transmission line approved in Docket 49302 are at issue in this proceeding.
12. The route is based on a typical right-of-way width of 70 feet.
13. Oncor will own, operate, and maintain all the transmission facilities.

⁵ *Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Loving and Reeves Counties (Riverton–Kyle Ranch)*, Docket No. 49304, Notice of Approval (July 16, 2019).

14. In the application, Oncor contended that the agreed modified route best addressed the requirements of PURA⁶ and the Commission's rules.
15. In the application, Oncor estimated that it would finalize engineering and design by April 2021, acquire all rights-of-way and land by October 2021, procure material and equipment by October 2021, complete construction by March 2022, and energize the transmission facilities approved by this Order by March 2022.
16. Oncor has acquired 2% of the right-of-way required for the transmission line approved by this Order, which represents the right-of-way donated by Z&T Cattle Company, LLC under ordering paragraph 15 in the Commission's final order in Docket No. 49302.

Public Input

17. No public meeting was held with respect to the single route proposed in the application because fewer than 25 landowners would be directly affected by the proposed route.
18. The modifications to the route approved in Docket No. 49302 were made based on input from directly affected landowners, all of whom consented to the agreed modified route.
19. To develop information on community values for the transmission line project as proposed in Docket No. 49302, Oncor held a public meeting in Kermit, Texas, on January 15, 2019.
20. Before the January 2019 public meeting, Oncor mailed individual written notices of the public meeting to 25 landowners who own property located within 300 feet of the centerlines of the routes proposed in that proceeding. Oncor obtained the landowners' names and addresses from Loving County's property tax rolls database. The notice included a map of the study area depicting the preliminary route segments and a document with frequently asked questions.
21. Oncor sent notice of the January 2019 public meeting to the Department of Defense Siting Clearinghouse.
22. No members of the public attended the January 2019 public meeting.

⁶ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016 (PURA).

23. Oncor did not receive any questionnaire responses either at the January 2019 public meeting or afterwards.

Notice of the Application

24. On February 4, 2021, Oncor sent written notice of the application by priority mail to the county judge of Loving County, Texas.
25. On February 4, 2021, Oncor sent written notice of the application by first-class mail to each landowner, as stated on current county tax rolls, who could be directly affected if the requested CCN amendment were granted.
26. On February 4, 2021, Oncor sent written notice of the application by overnight delivery to the Office of Public Utility Counsel.
27. On February 4, 2021, Oncor sent written notice of the application via email to the Department of Defense Siting Clearinghouse.
28. In response to a notice provided regarding the application in Docket No. 49302, on January 15, 2019, the Department of Defense responded by email that the transmission facilities may affect low-level flight operations by the United States Air Force and advised contacting John Gallagher, airspace manager for Dyess Air Force Base. However, on February 15, 2019, Mr. Gallagher confirmed via email that the transmission facilities would not affect Dyess Air Force Base's operations or airspace.
29. On February 4, 2021, Oncor sent written notice of the application by priority mail to certain pipeline owners and operators.
30. On February 4, 2021, Oncor sent a copy of the environmental assessment and routing analysis by overnight mail to the Texas Parks and Wildlife Department.
31. On February 25, 2021, Oncor filed the affidavit of Ife Adetoro, a project manager for Oncor, who attested that notice of the application had been provided as described above in findings of fact 24 through 27, 29, and 30.
32. Oncor did not send written notice of the application by first-class mail to municipal officials because there are no municipalities within five miles of the agreed modified route.

33. Oncor did not send written notice of the application by first-class mail to neighboring utilities because there are none within five miles of the agreed modified route that provide similar utility service.
34. On February 11, 2021, Oncor published notice of the application in the *Pecos Enterprise* newspaper.
35. On February 25, 2021, Oncor filed another affidavit by Mr. Adetoro stating that notice had been published as described in finding of fact 34.
36. On March 3, 2021, the Commission ALJ filed Order No. 2, which required Oncor to provide clarification regarding the counties in which the *Pecos Enterprise* has general circulation.
37. On March 8, 2021, Oncor filed another affidavit by Mr. Adetoro regarding notice. Attached to Mr. Adetoro's affidavit was a revised publisher's affidavit clarifying that the *Pecos Enterprise* has general circulation in Loving County.
38. In Order No. 3 filed on March 8, 2021, the Commission ALJ found the notice of the application sufficient.

Intervenors

39. In Order No. 4 filed on March 30, 2021, the Commission ALJ granted the motion to intervene filed by Delaware Basin Midstream, LLC on behalf of itself and the following four subsidiaries: Delaware Basin JV Gathering LLC; DBM Water Services, LLC; DBM Oil Services, LLC; and APC Water Holdings 1, LLC (collectively, Delaware Basin). No other parties intervened in this proceeding.

Alignment of Intervenors

40. No parties provided notice of a voluntary alignment, nor was any alignment requested or ordered.

Route Adequacy

41. Oncor's application presented a single route, which was developed in coordination with and consent from all directly affected landowners.

42. No party filed testimony or a statement of position challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
43. The application provided an adequate and sufficiently delineated route to conduct a proper evaluation.

Statements of Position and Testimony

44. On May 21, 2021, Oncor filed the direct testimonies of Paul M. Bell, a senior manager in Oncor's system planning group; Russell J. Marusak, an environmental scientist and project manager for Halff Associates; Oscar E. Rodriguez, an Oncor senior engineer; and Danvier Johnson-Green, an Oncor transmission right-of-way manager.

Referral to SOAH for Hearing

45. On March 22, 2021, Delaware Basin requested referral to the State Office of Administrative Hearings (SOAH) for a hearing on the merits, and on March 29, 2021, Commission Staff also requested referral.
46. On April 20, 2021, the Commission referred this proceeding to SOAH and filed a preliminary order specifying issues to be addressed in this proceeding.
47. In SOAH Order No. 3 filed on May 20, 2021, the SOAH ALJ adopted an agreed procedural schedule and provided notice of a hearing on the merits set for 10:00 a.m. on August 25 through 27, 2021 by videoconference.
48. On June 24, 2021, the parties filed an agreement regarding the agreed modified route.
49. In SOAH Order No. 6 filed on July 7, 2021, the SOAH ALJ admitted the following into the evidentiary record:
 - a. Oncor's application and all attachments filed on February 4, 2021;
 - b. Oncor's response to Order No. 1 filed on February 18, 2021;
 - c. Oncor's affidavit attesting to the provision of notice filed on February 25, 2021;
 - d. Oncor's affidavit attesting to the publication of newspaper notice filed on February 25, 2021;

- e. Oncor's second affidavit attesting to the publication of newspaper notice filed on March 8, 2021;
 - f. Oncor's supplemental affidavit attesting to the provision of notice filed on March 15, 2021;
 - g. the direct testimonies of Oncor witnesses Mr. Bell, Mr. Marusak, Mr. Rodriguez, and Ms. Johnson-Green filed on May 21, 2021;
 - h. the parties' agreement and its attachments, filed on June 24, 2021;
 - i. Delaware Basin's confidential file reflecting the detailed location of its pipeline facilities near the agreed modified route, filed confidentially on June 24, 2021;
 - j. Oncor's confidential file reflecting the detailed location of the agreed modified route, filed confidentially on June 28, 2021;
 - k. Oncor's confidential power-system information document containing certain technical information regarding the project, filed confidentially on June 28, 2021;
 - l. Commission Staff's affidavit of Ramya Ramaswamy in support of the agreement, filed on July 6, 2021; and
 - m. Oncor's affidavit of Thomas J. Yamin in support of the agreement, filed on July 6, 2021.
50. In SOAH Order No. 6 filed on July 7, 2021, the SOAH ALJ dismissed the case from SOAH's docket and remanded it to the Commission.

Description of the Agreed Modified Route

51. The agreed route that the Commission approved in Docket No. 49302 consisted of the following segments, as described in the application submitted in that proceeding: A, B2, D3, D4, G3, I3, M, N2, and Z.
52. The agreed modified route results from a series of modifications to the agreed route approved by the Commission in Docket No. 49302. Many of the modifications are based on new and ongoing oil- and gas-related developments on landowners' properties.
53. The agreed modified route has the following description:

- a. The agreed modified route begins at the Kyle Ranch substation, east of County Road 300 and proceeds in a southerly direction for approximately 300 feet to an angle point.
- b. From this angle point, the agreed modified route proceeds in an easterly direction for approximately 2,000 feet to an angle point. This segment crosses a natural gas pipeline.
- c. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 7,600 feet to an angle point.
- d. From this angle point, the agreed modified route proceeds in a southeasterly direction for approximately 1,800 feet to an angle point.
- e. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 1,700 feet to an angle point.
- f. From this angle point, the agreed modified route proceeds in an easterly direction for approximately 2,100 feet to an angle point.
- g. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 700 feet to a slight angle point.
- h. From this slight angle point, the agreed modified route proceeds in a southerly direction for approximately 600 feet to a slight angle point. This segment crosses a natural gas pipeline.
- i. From this slight angle point, the agreed modified route proceeds in a southerly direction for approximately 19,700 feet to a slight angle point.
- j. From this slight angle point, the agreed modified route proceeds in a southerly direction for approximately 1,200 feet to an angle point.
- k. From this angle point, the agreed modified route proceeds in a south-to-southeasterly direction for approximately 600 feet to an angle point.
- l. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 4,900 feet to an angle point.
- m. From this angle point, the agreed modified route proceeds in a westerly direction for approximately 300 feet to an angle point.

- n. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 1,100 feet to an angle point.
 - o. From this angle point, the agreed modified route proceeds in a west-to-southwesterly direction for approximately 200 feet to an angle point. This segment crosses County Road 300.
 - p. From this angle point, the agreed modified route proceeds in a south-to-southeasterly direction for approximately 600 feet to an angle point.
 - q. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 5,900 feet to an angle point.
 - r. From this angle point, the agreed modified route proceeds in a south-to-southwesterly direction for approximately 600 feet to an angle point. This segment crosses two natural gas pipelines.
 - s. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 3,500 feet to an angle point. This segment crosses two natural gas pipelines.
 - t. From this angle point, the agreed modified route proceeds in a westerly direction for approximately 900 feet to an angle point.
 - u. From this angle point, the agreed modified route proceeds in a southerly direction for approximately 3,300 feet to a point of terminus at the Quarry Field switch. This segment crosses five crude oil pipelines, four highly volatile liquid pipelines, four natural gas pipelines, and an existing transmission line.
54. Oncor obtained consent from all landowners directly affected by each modification included in the agreed modified route.
55. The consent obtained from the following landowners for modifications to the route approved in Docket No. 49302 is documented in the direct testimony of Ms. Johnson-Green and exhibits attached to her testimony: Z&T Cattle Company, LLC; EOG Resources, Inc.; Texas Pacific Land Trust and Riverton Holdings, LLC; Loving County Minerals, L.P. and BOKF, N.A. as successor trustee of the W.D. Johnson, Jr. Trust "A" for the benefit of the Dorothy Mae Haggerty family dated April 24, 1973; Hanging H Ranch, Inc.; and P&M Jones Family Ranch, Inc.

56. In the process of reaching out to landowners following Commission approval of the route in Docket No. 49302, Oncor discovered that landowner Loving County Minerals whose property was crossed by the route approved in Docket No. 49302 was not mailed notice.
57. The parties' unanimous agreement sets forth certain agreed obligations, including but not limited to landowner requests for minor route deviations and agreed setbacks between Delaware Basin's pipelines and the transmission facilities.
58. Oncor agreed to provide at least 45-day advance notice to Delaware Basin if Oncor subsequently upgrades the transmission line's voltage to 230 kV or higher or installs a second circuit on the transmission line.
59. The agreed modified route consists entirely of the route noticed in the application.
60. The agreed modified route is 11.3 miles in length.

Adequacy of Existing Service and Need for Additional Service

61. The transmission line approved by this Order is needed for the same reasons identified in the Commission's final order in Docket No. 49302, including to serve load growth in the area by establishing transmission service for new substations and to help address voltage violations on nearby transmission lines under certain contingencies.
62. ERCOT's regional planning group endorsed a variation of Oncor's proposed Far West Texas Project 2 and Far West Texas dynamic reactive devices as a tier 1 project.
63. ERCOT's independent review for the Far West Texas Project 2 identified single-contingency outages that would cause voltage collapse along Oncor's nearby Wink-to-Culberson and Yucca Drive-to-Culberson 138-kV lines and could result in dropping all load on those lines.
64. ERCOT specifically recommended constructing the Quarry Field switching station along the Wink-to-Riverton 138-kV transmission line, constructing the new Kyle Ranch-to-Riverton 138-kV transmission line approved in Docket No. 49304, and installing dynamic reactive devices at the Quarry Field switching station.
65. ERCOT's independent review for the Far West Texas Project 2 assumed that the transmission line proposed in this docket would be in service as a line to serve new loads

and facilitate a new 138-kV looped connection between the Quarry Field switching station, the Kyle Ranch substation, and the Riverton switching station.

66. The transmission facilities approved by this Order will allow bi-directional electric flow in this area of west Texas, which will ultimately allow voltage support from the dynamic reactive device at the Quarry Field switching station and the 345-kV injection at the Riverton switching station that the Commission approved in Docket No. 48095.⁷
67. The transmission facilities approved by this Order will allow Oncor to serve an area that currently has no transmission facilities in the vicinity, increase Oncor's ability to serve load growth in the area, and improve the reliability of service to customers in the area.
68. Because of the existing system's configuration and the remote location of the other transmission lines in the area, there are limited alternatives to the transmission facilities that address all reliability concerns and load-growth needs.
69. In its independent review of the Far West Texas Project 2, ERCOT evaluated three shortlisted options to resolve the identified violations. All three options assumed that the Kyle Ranch-to-Quarry Field 138-kV line would already be in service to serve new loads.
70. Distribution facilities are not a practical alternative because they would not improve the reliability and operational capability of the transmission system in the area and therefore would not address the identified reliability issues. Distribution facilities would also not provide reliable service to new customer loads from existing substations because of voltage and motor-start limitations associated with long distribution feeders.
71. The transmission line is needed to create a 138-kV circuit connecting the Quarry Field switching station, the Kyle Ranch substation, and the Riverton switching station.
72. The transmission line will be part of a new pathway from the Quarry Field switching station to the Riverton switching station. This new pathway will support the continued reliability

⁷ *Application of Oncor Electric Delivery Company LLC to Amend a Certificate of Convenience and Necessity for a 345-kV Transmission Line in Crane, Ector, Loving, Reeves, Ward, and Winkler Counties (Odessa EHV–Riverton and Moss–Riverton CCN)*, Docket No. 48095, Order on Rehearing (Nov. 8, 2018).

of the area's transmission system by creating a more networked system that will allow for voltage support to prevent collapse.

73. No party challenged the need for the transmission line in this docket or in Docket No. 49302.

Effect of Granting the Application on Oncor and Other Utilities and Probable Improvement of Service or Lowering of Cost

74. Oncor is the only electric utility involved in the construction of the transmission facilities.
75. No other electric utility will initially be served by or connected to the transmission line, and no other utilities' existing facilities will be used.
76. The agreed modified route begins at the Kyle Ranch substation, which Oncor owns, and terminates at the Quarry Field switching station, which Oncor also owns.
77. It is likely that construction of the transmission facilities will result in a more reliable transmission system and will facilitate service to customers' loads.
78. Oncor can address any crossings and paralleling of existing transmission lines by the new transmission facilities along the agreed modified route.
79. It is unlikely that the construction of the transmission facilities along the agreed modified route will adversely affect service by other utilities in the area.

Estimated Costs

80. The estimated construction costs of the agreed modified route are \$17,161,000.
81. There are no costs associated with substation facilities for the transmission line approved by this Order because the Kyle Ranch substation and Quarry Field switching station's construction costs were included in Docket Nos. 49302 and 49304.
82. The cost of the proposed route is reasonable considering the range of the cost estimates for the routes proposed in Docket No. 49302.
83. The transmission facilities will be financed through a combination of debt and equity.

Prudent Avoidance

84. Prudent avoidance, as defined in 16 TAC § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
85. The agreed modified route does not have any habitable structures within 300 feet of its centerline.
86. The construction of transmission facilities along the agreed modified route complies with the Commission’s policy of prudent avoidance.

Community Values

87. No questionnaire responses were obtained from the January 2019 public meeting to inform the Commission of community values.
88. No expression of community values was obtained in this proceeding.

Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries

89. Oncor evaluated the use of existing compatible rights-of-way and the paralleling of existing compatible rights-of-way and apparent property boundaries when developing the agreed modified route.
90. The area surrounding the agreed modified route largely lacks existing transmission lines, railroads, public roads, and apparent property boundaries that do not have nearby oil and gas infrastructure.
91. The agreed modified route parallels existing compatible rights-of-way for 3.8 miles.
92. The agreed modified route uses a small amount of existing transmission-line easement and will require 11.3 miles of new right-of-way.
93. The agreed modified route uses or parallels existing compatible rights-of-way to a reasonable extent.

Engineering Constraints

94. Oncor evaluated engineering and construction constraints when developing the agreed modified route.

95. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along the agreed modified route.

Other Comparisons of Land Uses and Land Types

a. Radio Towers and Other Electronic Installations

96. No commercial AM radio transmitters were identified within 10,000 feet of the agreed modified route's centerline.
97. Two FM radio transmitters, microwave relay stations, or other electronic installations were identified within 2,000 feet of the agreed modified route's centerline.
98. It is unlikely that the presence of transmission facilities along the agreed modified route will adversely affect any communication operations in the proximity of the agreed modified route.

b. Airstrips and Airports

99. There are no airports registered with the Federal Aviation Administration and equipped with runways shorter than or exactly 3,200 feet within 10,000 feet of the agreed modified route's centerline.
100. There are no airports registered with the Federal Aviation Administration and equipped with at least one runway longer than 3,200 feet within 20,000 feet of the agreed modified route's centerline.
101. There are no private airstrips within 10,000 feet of the agreed modified route's centerline.
102. There are no heliports within 5,000 feet of the agreed modified route's centerline.
103. It is unlikely that the presence of transmission facilities along the agreed modified route will adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

104. The agreed modified route does not cross agricultural lands with known mobile irrigation systems.
105. The Commission does not expect the presence of transmission facilities along the agreed modified route to adversely affect any agricultural lands with known mobile irrigation systems.

Recreational and Park Areas

- 106. The agreed modified route neither crosses nor is located within 1,000 feet of recreational and park areas.
- 107. The Commission does not expect the presence of transmission facilities along the agreed modified route to adversely affect the use and enjoyment of any recreational and park areas.

Historical and Archaeological Values

- 108. The agreed modified route does not cross any recorded historical or archaeological sites.
- 109. There are no recorded historical or archaeological sites within 1,000 feet of the centerline of the agreed modified route.
- 110. The agreed modified route crosses areas with a high potential for historical or archeological sites for 7.1 miles.
- 111. It is unlikely that the presence of transmission facilities along the agreed modified route will adversely affect historical or archaeological resources.

Aesthetic Values

- 112. No part of the agreed modified route crosses or is located within the foreground visual zone of United States or state highways.
- 113. No part of the agreed modified route is located within the foreground visual zone of recreational or park areas.
- 114. The Commission does not expect the presence of transmission facilities along the agreed modified route to adversely affect the aesthetic quality of the surrounding landscape.

Environmental Integrity

- 115. The environmental assessment and routing analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.
- 116. Oncor and Halff Associates evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.

117. Oncor and Halff Associates evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
118. Oncor does not expect significant effects on wetland resources, ecological resources, endangered and threatened species, or land use as a result of constructing the transmission line approved by this Order.
119. The agreed modified route does not cross upland woodlands.
120. The agreed modified route crosses riparian areas for 1.1 miles.
121. The agreed modified route does not cross the known habitat of any federally listed endangered or threatened species of plant or animal.
122. Oncor will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
123. Oncor does not expect any significant adverse consequences for populations of any federally listed endangered or threatened species.
124. Oncor will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
125. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
126. It is appropriate for Oncor to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
127. It is appropriate for Oncor to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
128. It is appropriate for Oncor to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for Oncor to restore original contours and grades

where different contours and grades are necessary to ensure the safety or stability of any transmission line's structures or the safe operation and maintenance of any transmission line.

129. It is appropriate for Oncor to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
130. It is appropriate for Oncor to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for Oncor to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
131. It is appropriate for Oncor to use best management practices to minimize any potential harm that the agreed modified route presents to migratory birds and threatened or endangered species.
132. It is unlikely that the presence of transmission facilities along the agreed modified route will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department's Written Comments and Recommendations

133. On April 1, 2021, the Texas Parks and Wildlife Department filed a comment letter making various comments and recommendations regarding the transmission facilities. That letter also included as an attachment the letter that the Texas Parks and Wildlife Department submitted regarding the application in Docket No. 49302.

134. The Texas Parks and Wildlife Department's comment letter addressed issues relating to effects on ecology and the environment but did not consider the other factors the Commission and utilities must consider in CCN applications.
135. The Texas Parks and Wildlife Department did not recommend a specific route in this proceeding.
136. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.
137. Oncor will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
138. Oncor will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.
139. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, Oncor will cooperate with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, and the Texas Commission on Environmental Quality as appropriate to coordinate permitting and perform any required mitigation.
140. Halff Associates relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by the Texas Parks and Wildlife Department, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.
141. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if field surveys identify threatened or endangered species' habitats.
142. The standard mitigation requirements included in the ordering paragraphs of this Order, coupled with Oncor's current practices, are reasonable measures for a transmission service

provider to undertake when constructing a transmission line and sufficiently address the Texas Parks and Wildlife Department's comments and recommendations.

143. This Order addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.
144. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the transmission facilities.

Permits

145. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.
146. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
147. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
148. It is appropriate for Oncor, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality. In addition, because more than five acres will be disturbed during construction of the transmission facilities, it is appropriate for Oncor, before commencing construction, to prepare the necessary stormwater-pollution-prevention plan, to submit a notice of intent to the Texas Commission on Environmental Quality, and to comply with all other applicable requirements of the general permit.
149. It is appropriate for Oncor to conduct a field assessment of the agreed modified route before beginning construction of the transmission facilities approved by this Order to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these

assessments, Oncor will identify all necessary permits from Loving County and federal and state agencies. Oncor will comply with the relevant permit conditions during construction and operation of the transmission facilities along the agreed modified route.

150. After designing and engineering the alignments, structure locations, and structure heights, Oncor will determine the need to notify the Federal Aviation Administration based on the final structure locations and designs. If necessary, Oncor will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

Coastal Management Program

151. Under 16 TAC § 25.102(a), the Commission may grant a certificate for the construction of transmission facilities within the coastal management program boundary only when it finds that the proposed facilities comply with the goals and applicable policies of the Coastal Management Program or that the proposed facilities will not have any direct and significant effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 501.3(b).
152. No part of the transmission facilities approved by this Order is located within the coastal management program boundary as defined in 31 TAC § 503.1(b).

Effect on the State's Renewable Energy Goal

153. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
154. The presence of transmission facilities along the agreed modified route cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Limitation of Authority

155. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
156. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order to construct the transmission facilities.

Informal Disposition

157. More than 15 days have passed since the completion of notice provided in this docket.
158. Delaware Basin and Commission Staff both originally requested a hearing in this proceeding, but they subsequently withdrew those requests by joining the agreement.
159. No hearing is necessary.
160. This decision is not adverse to any party.
161. Oncor, Commission Staff, and Delaware Basin are the only parties to this proceeding.
162. All the parties are signatories to the agreement.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. Oncor is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
2. Oncor is required to obtain the approval of the Commission to construct the proposed transmission line and to provide service to the public using the line.
3. The Commission has authority over the application under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
4. SOAH exercised jurisdiction over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
5. The application is sufficient under 16 TAC § 22.75(d).
6. Oncor provided notice of the application in accordance with PURA § 37.054 and 16 TAC § 22.52(a).
7. Additional notice of the approved route is not required under 16 TAC § 22.52(a)(2) because it consists entirely of properly noticed segments contained in the original CCN application or modifications agreed to by all directly affected landowners.
8. No public meeting was required under 16 TAC § 22.52(a)(4) because fewer than 25 landowners would be directly affected by the proposed route.

9. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.
10. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,⁸ and Commission rules.
11. The transmission facilities using the agreed modified route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
12. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to the application.
13. This proceeding meets the requirements for informal disposition under 16 TAC § 22.35.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends Oncor's CCN number 30043 to include the construction and operation of the transmission facilities along the agreed modified route as presented in the application to the extent provided by this Order.
2. Oncor must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the proposed electric transmission facilities.
3. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.

⁸ Tex. Gov't Code §§ 2001.001–.903.

4. Oncor must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
5. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
6. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.
7. Before beginning construction, Oncor must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
8. Oncor must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.
9. Oncor must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the United States Fish and Wildlife Service, April 2005. Oncor must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

10. Oncor must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
11. Oncor must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, Oncor must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
12. Oncor must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas. Also, Oncor must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, the Commission does not require Oncor to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
13. Oncor must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission line approved by this Order. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
14. The Commission does not permit Oncor to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.

15. Oncor must provide at least 45-day advance notice to Delaware Basin if Oncor subsequently upgrades the transmission line's voltage to 230 kV or higher or installs a second circuit on the transmission line.
16. If possible, and subject to the other provisions of this Order, Oncor must prudently implement appropriate final design for the transmission line to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Oncor to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then Oncor must file an application to amend its CCN as necessary.
17. Oncor must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor must provide final construction costs, with any necessary explanation for cost variance, after the completion of construction when Oncor identifies all charges.
18. Entry of this Order does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the agreement and must not be regarded as precedential as to the appropriateness of any principle or methodology underlying the agreement.
19. The Commission limits the authority granted by the Order to a period of seven years from the date the Order is signed unless, before that time, the transmission line is commercially energized.
20. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.

Signed at Austin, Texas the 9th day of September 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER